

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF TELECENTRE OF	)	
INDIANA, INC. FOR A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY	)	CASE NO. 93-199
TO PROVIDE INTRASTATE	)	
TELECOMMUNICATIONS SERVICES	)	

O R D E R

This matter arising upon petition of TeleCentre of Indiana, Inc. ("TeleCentre") filed May 26, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the financial information contained in Exhibit III to TeleCentre's application for a Certificate of Public Convenience and Necessity on the grounds that disclosure of the information is likely to cause TeleCentre competitive injury, and it appearing to this Commission as follows:

TeleCentre is seeking a Certificate of Public Convenience and Necessity to engage in the business of reselling intrastate telecommunications services, including operator services within this state. In support of its application, TeleCentre has filed Exhibit III which contains its balance sheet, income statement, and operating expenses for 1992. By this petition, TeleCentre seeks to protect this information as confidential.

The information sought to be protected is not known outside of TeleCentre's business. TeleCentre's employees and agents do not have access to the information except on a need to know basis.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

In support of its petition, TeleCentre contends that disclosure of the information sought to be protected would enable its competitors to gain information on its targeted market and potential customers and then use that information to market and establish competing services. The information sought to be protected, however, merely consists of the amounts expended or assigned to each category in the balance sheet, income statement, and statement of operating expenses contained in Exhibit III to the application. The information does not identify potential customers and the petition does not explain how the information could be used for that purpose. In addition, the application for a Certificate of Public Convenience and Necessity filed by TeleCentre states to

whom its services will be offered. Because the application is a matter of public record, the information is not confidential. Therefore, the petition to protect as confidential the information in Exhibit III should be denied.

This Commission being otherwise sufficiently advised,

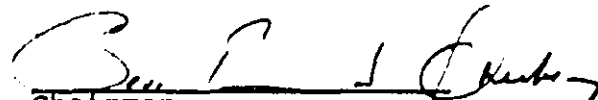
IT IS ORDERED that:

1. The financial information contained in Exhibit III to TeleCentre's application for a Certificate of Public Convenience and Necessity, which TeleCentre has petitioned be withheld from public disclosure, be and is hereby denied.

2. The information sought to be protected shall be held and retained by this Commission as confidential and shall not be open for public inspection for a period of 20 days from the date of this Order, at the expiration of which it shall be placed in the public record without further Order of the Commission.

Done at Frankfort, Kentucky, this 23rd day of June, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director